

1 THE HONORABLE RICHARD A. JONES
2 THE HONORABLE MARY ALICE THEILER
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 VICKY CORNELL, individually, and in
11 her capacity as the Personal Representative
12 of the Estate of Christopher John Cornell
13 a/k/a Chris Cornell,

14 Plaintiffs,

15 v.

16 SOUNDGARDEN, a purported
17 Washington General Partnership, KIM A.
18 THAYIL, MATT D. CAMERON,
19 HUNTER BENEDICT SHEPHERD, RIT
20 VENERUS and CAL FINANCIAL
21 GROUP, Inc.,

22 Defendants.

23 No. 2:20-cv-01218-RAJ-MAT

24 STIPULATED MOTION AND [PROPOSED]
25 ORDER GRANTING MOTION
REGARDING PLEADINGS AND MOTIONS

NOTE FOR MOTION CALENDAR:
DECEMBER 17, 2020

26 In connection with the briefing on Defendants' two pending motions to dismiss (Dkt. Nos. 128 & 130), the Parties to the above-captioned action have discovered and agreed that there is an erroneous allegation contained in Paragraph 121 of Plaintiffs' First Amended Complaint (Dkt. No. 123), which should be corrected for factual accuracy. Additionally, while Plaintiffs dispute Defendants' contention that their equitable accounting claim is moot, Plaintiffs agree that the claim can be dismissed because, as a practical matter, Plaintiffs can secure the necessary accounting materials through discovery. (See Dkt. No. 128 at 11 & Dkt. No. 131 at 3 n.2.)

Accordingly, the Parties hereby stipulate that Plaintiffs shall replace the First Amended Complaint with a Second Amended Complaint that (1) removes the second sentence of paragraph 121 of the First Amended Complaint, and (2) deletes Count III (Equitable Accounting) of the First Amended Complaint, which is to be dismissed with prejudice. Attached hereto as Exhibit 1 is a proposed Second Amended Complaint, redlined to reflect the Parties' proposed changes from the complaint of record.

The Parties further stipulate that Defendants will file Notices to Withdraw Pending Motions to Dismiss, pursuant to LCR 7(l), thereby withdrawing Docket Nos. 128, 129, 129-1, 129-2, 130, and 130-1, and mooted Docket Nos. 131, 132, 133, and 134. The Parties further stipulate that Defendants may file renewed motions to dismiss no later than fourteen (14) days after Plaintiffs file the Second Amended Complaint, following entry of the Court's order on this stipulation.

IT IS SO ORDERED:

DATED this 17th day of December, 2020.



Mary Alice Theiler
United States Magistrate Judge

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Presented by:
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